

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0772.01 Josh Schultz x5486

HOUSE BILL 25-1176

HOUSE SPONSORSHIP

Stewart R.,

SENATE SPONSORSHIP

Simpson and Michaelson Jenet,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE THE STIGMA OF BEHAVIORAL**
102 **HEALTH TREATMENT FOR MEDICAL PRACTITIONERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the following regarding the application for a license to practice medicine in Colorado (application) and the questionnaire accompanying the form for a license renewal (questionnaire):

- The application questions reflect the recommendations of the Federation of State Medical Boards and the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

requirements of the federal "Americans with Disabilities Act of 1990";

- The application and questionnaire do not require the disclosure of personal medical or health information that is not relevant to the applicant's ability at the time of application to provide safe, competent, and ethical patient care; and
- The application and questionnaire do not include questions seeking information about past health-related conditions that do not impact an applicant's ability to practice safe, competent, and ethical patient care at the time of application.

The bill clarifies that an individual subject to the licensing requirements of the "Colorado Medical Practice Act" is not required to disclose a physical illness, physical condition, behavioral health disorder, mental health disorder, or substance use disorder that no longer impacts the individual's ability to practice the applicable health-care profession or occupation with reasonable skill and safety to patients or clients.

Current law requires that if a health-care professional has a physical illness, physical condition, or behavioral or mental health disorder that renders the person unable to practice the applicable health-care profession or occupation with reasonable skill and safety to patients or clients, the licensee, registrant, or certificate holder shall notify the regulator that regulates the person's profession or occupation of the physical illness, physical condition, or behavioral or mental health disorder. The bill requires that a health-care professional must additionally provide notice of a substance use disorder and specifies that the health-care professional is required only to provide notice of a current physical illness, physical condition, behavioral health disorder, mental health disorder, or substance use disorder.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Physicians and physician assistants experience significantly
5 higher rates of suicide compared to the general public, with stigma
6 surrounding mental health care as a major contributing factor;

7 (b) The Physicians Foundation reports that 80% of physicians
8 believe stigma exists around mental health care, and a substantial

1 percentage of physicians and physician assistants fear professional
2 repercussions if they seek mental health care;

3 (c) The COVID-19 pandemic exacerbated mental health
4 challenges among health-care providers, with medical students and
5 residents experiencing even greater mental health burdens than practicing
6 physicians;

7 (d) Research by the Society of Teachers of Family Medicine
8 indicates that mental health receives disproportionately greater scrutiny
9 compared to physical health in licensure applications, which may deter
10 health-care providers from seeking necessary treatment;

11 (e) The Federation of State Medical Boards, Federation of State
12 Physician Health Programs, National Institute for Occupational Safety
13 and Health, and American Medical Association all support efforts to
14 remove stigmatizing questions about mental health diagnosis and
15 treatment from medical licensing and credentialing applications;

16 (f) The Dr. Lorna Breen Heroes' Foundation has identified overly
17 broad and invasive mental health questions in licensure applications as
18 stigmatizing, discriminatory, and harmful to physician wellness and
19 patient safety;

20 (g) A health-care provider's application or renewal questionnaire
21 should not require the disclosure of personal medical or health
22 information that is not relevant to the applicant's current ability to provide
23 safe, competent, and ethical patient care;

24 (h) A health-care licensing application should not include
25 questions seeking information about past health-related conditions that no
26 longer impact a licensee's ability to practice safe, competent, and ethical
27 patient care;

1 (i) Medical students and residents report that stigma and fear of
2 disclosing treatment to a future employer or licensure body are prime
3 reasons that they do not seek mental health care;

4 (j) At least 29 states have revised their licensure application
5 language to align with best practices;

6 (k) More than 450 hospitals and health systems have revised their
7 credentialing language to align with best practices; and

8 (l) The state of Colorado has an opportunity to reduce stigma and
9 encourage health-care providers to seek care by modernizing its licensure
10 and credentialing applications.

11 (2) Therefore, the general assembly declares that it is in the best
12 interest of the people of Colorado to modernize the language in medical
13 licensure and credentialing applications to support the well-being and
14 safety of health-care providers and the public.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 12-240-115
16 as follows:

17 **12-240-115. Applications for license.** (1) Every person desiring
18 a license to practice medicine shall make application to the board, the
19 application to be verified by oath and to be in the form prescribed by the
20 board. The application shall be accompanied by the license fee and the
21 documents, affidavits, and certificates necessary to establish that the
22 applicant possesses the qualifications prescribed by this article 240, apart
23 from any required examination by the board. The burden of proof shall be
24 upon the applicant, but the board may make such independent
25 investigation as it may deem advisable to determine whether the applicant
26 possesses the qualifications and whether the applicant has at any time
27 committed any of the acts or offenses defined in this article 240 as

1 unprofessional conduct.

2 (2) THE BOARD SHALL ENSURE THAT THE APPLICATION QUESTIONS
3 REFLECT THE RECOMMENDATIONS OF THE FEDERATION OF STATE
4 MEDICAL BOARDS, OR ITS SUCCESSOR ORGANIZATION, AND THE
5 REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
6 1990", 42 U.S.C. SEC. 12101 ET SEQ.

7 (3) THE APPLICATION MUST NOT REQUIRE THE DISCLOSURE OF
8 PERSONAL MEDICAL OR HEALTH INFORMATION THAT IS NOT RELEVANT TO
9 THE APPLICANT'S ABILITY AT THE TIME OF APPLICATION TO PROVIDE SAFE,
10 COMPETENT, AND ETHICAL PATIENT CARE.

11 (4) THE APPLICATION MUST NOT INCLUDE QUESTIONS SEEKING
12 INFORMATION ABOUT PAST HEALTH-RELATED CONDITIONS THAT DO NOT
13 IMPACT AN APPLICANT'S ABILITY TO PRACTICE SAFE, COMPETENT, AND
14 ETHICAL PATIENT CARE AT THE TIME OF APPLICATION.

15 **SECTION 3.** In Colorado Revised Statutes, 12-30-108, **amend**
16 (1), (2)(a), and (4)(a)(II) as follows:

17 **12-30-108. Confidential agreement to limit practice - violation**
18 **grounds for discipline.** (1) (a) If a licensee, registrant, or certificate
19 holder has a CURRENT physical illness, physical condition, ~~or~~ behavioral
20 ~~or~~ HEALTH DISORDER, mental health disorder, OR SUBSTANCE USE
21 DISORDER that renders the person unable to practice the applicable
22 health-care profession or occupation with reasonable skill and safety to
23 patients or clients, the licensee, registrant, or certificate holder shall notify
24 the regulator that regulates the person's profession or occupation of the
25 physical illness, physical condition, ~~or~~ behavioral ~~or~~ HEALTH DISORDER,
26 mental health disorder, OR SUBSTANCE USE DISORDER in a manner and
27 within a period determined by the regulator.

1 (b) The regulator may require the licensee, registrant, or certificate
2 holder to submit to an examination or refer the licensee, registrant, or
3 certificate holder to a peer health assistance program, if one exists, to
4 evaluate the extent of the CURRENT physical illness, physical condition,
5 ~~or~~ behavioral ~~or~~ HEALTH DISORDER, mental health disorder, OR
6 SUBSTANCE USE DISORDER and its effect on the licensee's, registrant's, or
7 certificate holder's ability to practice with reasonable skill and safety to
8 patients or clients.

9 (c) THIS SECTION DOES NOT REQUIRE THE DISCLOSURE OF A
10 PHYSICAL ILLNESS, PHYSICAL CONDITION, BEHAVIORAL HEALTH DISORDER,
11 MENTAL HEALTH DISORDER, OR SUBSTANCE USE DISORDER THAT NO
12 LONGER IMPACTS A LICENSEE'S, REGISTRANT'S, OR CERTIFICATE HOLDER'S
13 ABILITY TO PRACTICE THE APPLICABLE HEALTH-CARE PROFESSION OR
14 OCCUPATION WITH REASONABLE SKILL AND SAFETY TO PATIENTS OR
15 CLIENTS.

16 (2) (a) Upon determining that a licensee, registrant, or certificate
17 holder with a CURRENT physical illness, physical condition, ~~or~~ behavioral
18 ~~or~~ HEALTH DISORDER, mental health disorder, OR SUBSTANCE USE
19 DISORDER is able to render limited services with reasonable skill and
20 safety to patients or clients, the regulator may enter into a confidential
21 agreement with the licensee, registrant, or certificate holder in which the
22 licensee, registrant, or certificate holder agrees to limit the person's
23 practice based on the restrictions imposed by the physical illness, physical
24 condition, ~~or~~ behavioral ~~or~~ HEALTH DISORDER, mental health disorder, OR
25 SUBSTANCE USE DISORDER, as determined by the regulator.

26 (4) (a) This section does not apply to:

27 (II) A licensee, registrant, or certificate holder subject to

1 discipline for habitual or excessive use or abuse of alcohol beverages, a
2 habit-forming drug, or a controlled substance as defined in section
3 18-18-102 (5), EXCEPT FOR AN INDIVIDUAL LICENSED UNDER ARTICLE 240
4 OF THIS TITLE 12.

5 **SECTION 4.** In Colorado Revised Statutes, 12-240-130, **add**
6 (2)(c) and (2)(d) as follows:

7 **12-240-130. Renewal, reinstatement, reactivation -**
8 **delinquency - fees - questionnaire.** (2) (c) THE QUESTIONNAIRE MUST
9 NOT REQUIRE THE DISCLOSURE OF PERSONAL MEDICAL OR HEALTH
10 INFORMATION THAT IS NOT RELEVANT TO THE LICENSEE'S ABILITY AT THE
11 TIME OF RENEWAL TO PROVIDE SAFE, COMPETENT, AND ETHICAL PATIENT
12 CARE.

13 (d) THE QUESTIONNAIRE MUST NOT INCLUDE QUESTIONS SEEKING
14 INFORMATION ABOUT PAST HEALTH-RELATED CONDITIONS THAT DO NOT
15 IMPACT A LICENSEE'S ABILITY TO PRACTICE SAFE, COMPETENT, AND
16 ETHICAL PATIENT CARE AT THE TIME OF RENEWAL.

17 **SECTION 5.** In Colorado Revised Statutes, 12-240-121, **amend**
18 (1)(e) and (1)(i) as follows:

19 **12-240-121. Unprofessional conduct - definitions.**

20 (1) "Unprofessional conduct" as used in this article 240 means:

21 (e) ~~Habitual or excessive use or abuse of alcohol, a habit-forming~~
22 ~~drug~~ THE USE OF A SUBSTANCE, INCLUDING ALCOHOL, AN ILLICIT DRUG,
23 or a controlled substance as defined in section 18-18-102 (5), WHICH
24 RESULTS IN THE INABILITY TO PRACTICE WITH REASONABLE JUDGMENT,
25 SKILL, OR SAFETY;

26 (i) Failing to notify the board, as required by section 12-30-108
27 (1), of a CURRENT physical illness, physical condition, or behavioral,

1 mental health, or substance use disorder that IMPAIRS THE LICENSEE'S
2 JUDGMENT OR impacts the licensee's ability to perform a medical service
3 with reasonable skill and safety to patients; failing to act within the
4 limitations created by a CURRENT physical illness, physical condition, or
5 behavioral, mental health, or substance use disorder that renders the
6 licensee unable to perform a medical service with reasonable skill and
7 safety to the patient; or failing to comply with the limitations agreed to
8 under a confidential agreement entered into pursuant to sections
9 12-30-108 and 12-240-126. THIS SUBSECTION (1)(i) DOES NOT REQUIRE
10 THE DISCLOSURE OF A PHYSICAL ILLNESS, PHYSICAL CONDITION, OR
11 BEHAVIORAL, MENTAL HEALTH, OR SUBSTANCE USE DISORDER THAT NO
12 LONGER IMPAIRS THE LICENSEE'S JUDGMENT OR IMPACTS THE LICENSEE'S
13 ABILITY TO PERFORM A MEDICAL SERVICE WITH REASONABLE SKILL AND
14 SAFETY TO PATIENTS.

15 **SECTION 6. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.